



Benedict P. Morelli

November 21, 2016

**VIA E-FILE**

Magistrate Judge Marilyn D. Go  
United States District Court  
225 Cadman Plaza East  
Room 1214-S  
Brooklyn, NY 11201

**RE: Eugenie Bouchard v. United States Tennis Association, Inc. and USTA  
National Tennis Center, Inc., Civ. Case No. 1:15-cv-5920-AMD-MDG**

Dear Judge Go:

We represent Plaintiff Eugenie Bouchard in the above-captioned matter.

Plaintiff writes to respectfully request short extensions of both the current fact discovery deadline and the deadlines to serve expert reports. The Defendants consent to both extensions and the proposed schedule below. The parties have completed considerable discovery and worked together cooperatively throughout the discovery process.

First, although the majority of depositions have been completed, or are scheduled to be completed within the current fact discovery deadline, Plaintiff is still seeking the deposition of Jane Doe<sup>1</sup>. Ms. Doe was a locker room attendant on duty on the evening of September 4, 2015. She is expected to have important knowledge and information relating to the locker room and its operations/condition on the evening of Ms. Bouchard's accident. She is also likely to have important and relevant information regarding when, and by whom, the cleaning substance was applied to the floor on which Ms. Bouchard fell. Therefore, her deposition is of critical importance.

However, to date, Ms. Doe has been an uncooperative witness despite attempts from both Plaintiff and Defendants to schedule her deposition. Plaintiff, with Defendants knowledge, is currently in the process of attempting to subpoena Ms. Doe and hopes to have that process completed shortly. In any event, an extension beyond the current fact discovery deadline of November 30, 2016, for the purpose of

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<sup>1</sup> In order to protect confidentiality and the witness's privacy, the correct name of the witness is being intentionally withheld from this letter but, of course, will be provided to the Court upon instruction.

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completing Ms. Doe's deposition, and discovery related to any information and/or documents emanating from her testimony, is requested. The parties suggest a sixty-day extension, or until January 30, 2017.

Second, Plaintiff requests a thirty-day extension of her deadline to serve expert reports from November 23 to December 23, 2016. Defendants have consented to this request, provided that a corresponding thirty-day extension of their deadline to serve expert reports (from December 23, 2016 to January 23, 2017) is likewise granted. The reason for this request is that, because of the upcoming holidays and the work schedules of some of Plaintiff's experts, it has been difficult to schedule the necessary physical examinations and get the expert reports completed in time to meet the current expert report deadlines.

The current fact discovery deadline is November 30, 2016. There has been one previous requests for an adjournment. As this requested extension affects other previously ordered discovery deadlines, a proposed revised discovery schedule is as follows: (1) fact discovery to be completed by January 30, 2017; (2) Plaintiff's expert reports served by December 23, 2016; and (3) Defendants expert reports served by January 23, 2017.

Thank you for your consideration.

Respectfully Submitted,

/s/ Benedict Morelli

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